

House File 2368 - Introduced

HOUSE FILE 2368

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2116)

A BILL FOR

1 An Act extending security freeze protection to specified
2 individuals designated as protected consumers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 714G.1, Code 2014, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 7A. "*Protected consumer*" means a consumer
4 who is either under eighteen years of age at the time a request
5 for a security freeze is made or is an incapacitated person or
6 a protected person for whom a guardian or conservator has been
7 appointed.

8 NEW SUBSECTION. 9. "*Sufficient proof of authority*" means
9 documentation that shows a consumer has authority to act on
10 behalf of a protected consumer, which may be demonstrated in
11 the form of an order issued by a court of law, a lawfully
12 executed and valid power of attorney, or a written notarized
13 statement signed by the consumer that expressly describes the
14 authority of the consumer to act on behalf of a protected
15 consumer.

16 NEW SUBSECTION. 10. "*Sufficient proof of identification*"
17 means one or more of the following:

18 a. A protected consumer's social security number or a copy
19 of a protected consumer's social security card issued by the
20 federal social security administration.

21 b. A certified or official copy of a protected consumer's
22 birth certificate issued by the entity authorized to issue the
23 birth certificate.

24 c. A copy of a protected consumer's driver's license, a
25 protected consumer's nonoperator's identification card issued
26 by the state department of transportation, or any other federal
27 or state government-issued form of identification pertaining
28 to a protected consumer.

29 Sec. 2. Section 714G.2, Code 2014, is amended to read as
30 follows:

31 **714G.2 Security freeze — protected consumers.**

32 1. A consumer may submit by certified mail to a consumer
33 reporting agency a written request for a security freeze.
34 The consumer must submit proper identification and the
35 applicable fee with the request. Within five business days

1 after receiving the request, the consumer reporting agency
2 shall commence the security freeze. Within ten business days
3 after commencing the security freeze, the consumer reporting
4 agency shall send a written confirmation to the consumer of the
5 security freeze, a personal identification number or password,
6 other than the consumer's social security number, for the
7 consumer to use in authorizing the suspension or removal of
8 the security freeze, including information on how the security
9 freeze may be temporarily suspended.

10 2. A consumer may also submit by certified mail to a
11 consumer reporting agency a written request for a security
12 freeze for a protected consumer. The request shall be
13 accompanied by sufficient proof of authority to act on
14 behalf of the protected consumer, and sufficient proof of
15 identification of the protected consumer. All procedures,
16 timeframes, and provisions specified in this chapter applicable
17 to a security freeze with respect to a consumer shall be
18 equally applicable to a security freeze with respect to a
19 protected consumer. A consumer reporting agency shall send a
20 separate personal identification number or password distinct
21 from the consumer's own personal identification number or
22 password, if applicable, for the consumer to use in authorizing
23 the suspension or removal of the security freeze on behalf of
24 the protected consumer. A security freeze for a protected
25 consumer shall remain in effect until the consumer acting on
26 behalf of the protected consumer requests that it be removed as
27 specified in section 714G.4, or until the protected consumer
28 similarly requests that it be removed and the protected
29 consumer has attained eighteen years of age and is not or is no
30 longer an incapacitated person or a protected person for whom a
31 guardian or conservator has been appointed.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill extends security freeze protection to specified

1 individuals designated as protected consumers.

2 The bill adds several new definitions to Code chapter
3 714G, which deals with consumer credit security. The bill
4 defines "protected consumer" to mean an individual who is
5 either under 18 years of age at the time a request for a
6 security freeze is made or is an incapacitated person or a
7 protected person for whom a guardian or conservator has been
8 appointed. The bill defines "sufficient proof of authority"
9 to mean documentation that shows a consumer has authority
10 to act on behalf of a protected consumer, which may be
11 demonstrated in the form of an order issued by a court of law,
12 a lawfully executed and valid power of attorney, or a written
13 notarized statement signed by the consumer that expressly
14 describes the authority of the consumer to act on behalf of
15 a protected consumer. The bill defines "sufficient proof of
16 identification" to mean a protected consumer's social security
17 number or a copy of a social security card issued by the social
18 security administration; a certified or official copy of a
19 protected consumer's birth certificate issued by the entity
20 authorized to issue the birth certificate; or a copy of a
21 protected consumer's driver's license, a protected consumer's
22 identification card issued by the motor vehicle administration,
23 or any other federal or state government-issued form of
24 identification pertaining to a protected consumer.

25 The bill provides that a consumer, defined in the Code
26 chapter to mean an individual who is a resident of Iowa,
27 may submit by certified mail to a consumer reporting agency
28 a written request for a security freeze for a protected
29 consumer. The request shall be accompanied by sufficient
30 proof of authority to act on behalf of the protected consumer,
31 and sufficient proof of identification of the protected
32 consumer. The bill provides that all procedures, time frames,
33 and provisions specified in the Code chapter applicable to a
34 security freeze with respect to a consumer shall be equally
35 applicable to a security freeze with respect to a protected

1 consumer. The bill requires a consumer reporting agency to
2 send a separate personal identification number or password
3 distinct from the consumer's own personal identification number
4 or password, if the consumer has one from the agency, for the
5 consumer to use in authorizing the suspension or removal of the
6 security freeze. The bill provides that a security freeze for
7 a protected consumer shall remain in effect until the consumer
8 requests that it be removed or until a protected consumer
9 similarly requests that it be removed and the protected
10 consumer has attained 18 years of age and is not or is no
11 longer an incapacitated person or a protected person for whom a
12 guardian or conservator has been appointed.